

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Glen Strickland, Jr.,

Plaintiff,

v.

South Carolina Department of Corrections,
SCDC Director Bryan P. Stirling, Lt.
Deangelo Ford, Sgt. James Williams,
Warden Cohen, Associate Warden Burton,
Major James Parrish, Sgt. Tonya Johnson,
Sgt. E. Walker, Officer NFN Daniels,
Associate Warden A. W. Washington, Lt.
Craig Backett, Broad River Correctional
Institution, Sgt. M. Blackwell, Sgt. NFN
Gaston, Officer NFN Tapp, Sgt. Marcus
Russell, Unknown Named Kershaw SCDC
Sergeant, Sgt. Frank Jeffers, Officer NFN
Streety, Lt. NFN Bennett, Sgt. NFN Creel,
and Unknown Named Broad River SCDC
Sergeant,

Defendants.

C.A. No.: 9:16-cv-3671-PMD-BM

ORDER

This matter is before the Court on Plaintiff's objections to United States Magistrate Judge Bristow Marchant's Report and Recommendation ("R & R") (ECF Nos. 20 & 17). Plaintiff does not make any specific objections to the R & R, which recommends that this action be dismissed without prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See Galvez v. Horry County*, No. 4:10-cv-3165-RBH, 2012 WL 1790311, at * 2 (D.S.C. May 17, 2012) ("[I]t is well established that a district court has authority to dismiss a case *sua sponte* for failure to prosecute under the inherent authority possessed by district courts."). Absent a timely, specific objection—or as to those portions of the R & R to which no specific objection is made—this Court "must 'only satisfy itself that there is no clear error on the face of

the record in order to accept the recommendation.”” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). The Court has reviewed the R & R for clear error and finds none.

The Court is sympathetic to Plaintiff’s difficulty in litigating his various claims. However, the Magistrate Judge has already thoroughly spelled out how to remedy the defects in his complaint. The Court emphasizes that the dismissal of Plaintiff’s claims is *without prejudice*, meaning that he is not barred from bringing a new action on these same claims. The Court reiterates that any new complaint Plaintiff files must comply with the terms set forth in the Magistrate Judge’s proper form order (ECF No. 8).

CONCLUSION

For the foregoing reasons, the Court **OVERRULES** Plaintiff’s objections to the R & R and **ADOPTS** the Magistrate Judge’s recommendation that this action be dismissed without prejudice.

AND IT IS SO ORDERED.



PATRICK MICHAEL DUFFY
United States District Judge

October 5, 2017
Charleston, South Carolina